THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21044 of 2006

DATED: 29-01-2007

Perumalla Yadaiah.

.....
PETITIONER

AND

The Superintendent of Police,
Mahabubnagar District,
Mahabubnagar & 4 others.

.....RESPONDENTS

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ORDER:
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Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks to issue writ of mandamus declaring the action of the 2nd respondent-Sub-Inspector of police, Madugula, Mahabubnagar District, in registering Cr.No.71 of 2006 on the file of the Madugula police station, against the 3rd respondent-Mohd. Sabeer for the offence under Section 304(2) IPC only instead of registering the crime against the respondents 3 to 5 for the offences under Section S.C. & S.T. (POA) Act and Sections 376 and 302 IPC as illegal and arbitrary.

3. Counter has been filed stating that pursuant to the complaint received from the petitioner a case in Cr.No.71 of 2006 was registered for the offences under Section 304(2) IPC on
05-09-2006 and investigation has been taken up and the report of the Forensic Science Laboratory is awaited for taking necessary action against the accused. Insofar as the other allegations that the case has been registered illegally for the offences under
Section 304(2) IPC instead of relevant provisions of S.C. & S.T. (POA) Act and under Sections 302 and 376 IPC are

concerned, it is stated that no complaint whatsoever has been received for the alleged offences with regard to the abuse in filthy language by touching his caste. It is further stated that during the course of investigation if anybody deposes with regard to the committal of the other offences the relevant Sections of law, if necessary, will be altered basing on the report of the Forensic Science Laboratory and the other material during the course of investigation.

4. Having regard to the facts and circumstances, the Writ Petition is dismissed. No order as to costs.

V.ESWARAIAH,J

29th January, 2006.
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